



February 24, 1999

## SENATE BILL No. 523

DIGEST OF SB 523 (Updated February 22, 1999 4:31 pm - DI 101)

**Citations Affected:** IC 3-6; IC 3-7; IC 3-11.5; IC 3-14.

**Synopsis:** Various election matters. Provides that a uniformed police officer may serve as an absentee ballot courier. Provides that a county election board may appoint, by a unanimous vote of its members, only one absentee ballot courier if the person appointed is a voter of the county. Increases the population threshold at which a board of registration is established in a county from 125,000 to 200,000. Provides that a board of registration existing under the lower threshold continues unless the county election board votes, by a unanimous vote of its members, to abolish the board of registration.

**Effective:** July 1, 1999.

### Lawson C

January 19, 1999, read first time and referred to Committee on Elections.  
February 23, 1999, amended, reported favorably — Do Pass.

SB 523—LS 7958/DI 75+



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February 24, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 523

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-6-6-36 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 36. (a) As used in this section, "law  
3 enforcement officer" means a:

- 4           (1) police officer;
- 5           (2) sheriff;
- 6           (3) constable;
- 7           (4) marshal; or
- 8           (5) ~~a~~ deputy of any of those persons.

9           (b) Law enforcement officers of the state and of political  
10 subdivisions may not come within fifty (50) feet of the polls, except **to**  
11 **do any of the following:**

- 12           (1) To serve process of court.
- 13           (2) To vote.
- 14           (3) **To be present** when summoned by the election sheriffs or  
15 **precinct judges.**
- 16           (4) To serve as a pollbook holder.
- 17           (5) **To serve as an absentee ballot courier appointed under**

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1 **IC 3-11.5-4-22.**

2 SECTION 2. IC 3-7-12-3 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A board of registration is  
4 established in each county having a population of more than ~~one two~~  
5 hundred ~~twenty-five~~ thousand (~~125,000~~). **(200,000).**

6 **(b) This subsection applies only to a county in which a board of**  
7 **registration was established under this section before July 1, 1999.**  
8 **The county continues to have a board of registration after June 30,**  
9 **1999. However, the county election board may, by a unanimous**  
10 **vote of its members, abolish the board of registration at any time.**  
11 **If a board of registration is abolished under this subsection, the**  
12 **following apply:**

13 **(1) The circuit court clerk:**

14 **(A) is the voter registration officer of the county; and**

15 **(B) shall supervise the registration of voters of the county.**

16 **(2) A board of registration abolished under this subsection**  
17 **may be reestablished under section 4 of this chapter.**

18 SECTION 3. IC 3-11.5-4-22 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) **Except as**  
20 **provided in subsection (b),** each county election board shall appoint:

21 (1) absentee voter boards;

22 (2) teams of absentee ballot counters; and

23 (3) teams of couriers;

24 consisting of two (2) voters of the county, one (1) from each of the two  
25 (2) political parties that have appointed members on the county  
26 election board.

27 **(b) Notwithstanding subsection (a), a county election board may**  
28 **appoint, by a unanimous vote of the board's members, only one (1)**  
29 **absentee ballot courier if the person appointed is a voter of the**  
30 **county.**

31 **(c) A person is not eligible to serve on an absentee voter board or as**  
32 **an absentee ballot counter or a courier if the person:**

33 (1) is unable to read, write, and speak the English language;

34 (2) has any property bet or wagered on the result of the election;

35 (3) is a candidate to be voted for at the election, except as an  
36 unopposed candidate for precinct committeeman or state  
37 convention delegate; or

38 (4) is the spouse, parent, father-in-law, mother-in-law, child,  
39 son-in-law, daughter-in-law, grandparent, grandchild, brother,  
40 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, or  
41 first cousin of a candidate or declared write-in candidate to be  
42 voted for at the election except as an unopposed candidate. This



subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision does not disqualify a person who is a spouse of a first cousin of the candidate.

SECTION 4. IC 3-14-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) A state police department employee or a police officer or firefighter (including a special duty, auxiliary, or volunteer police officer or firefighter) of a political subdivision who recklessly:

- (1) solicits votes or campaign funds;
- (2) challenges voters; or
- (3) performs any other election related function;

while wearing any identifying insignia or article of clothing that is part of an official uniform or while on duty commits a Class A misdemeanor.

(b) This section does not prohibit **any of the following**:

- (1) A state police department civilian employee from voting while on duty.
- (2) A police officer or firefighter from voting while wearing any part of an official uniform or while on duty.
- (3) An individual described in subsection (a) from consenting to a photograph (or other visual depiction) of the individual wearing any part of the individual's official uniform appearing in an advertisement in support of a candidate or political party. ~~or~~
- (4) An individual from serving as a pollbook holder under IC 3-6-6-36.

**(5) A police officer wearing any identifying insignia or article of clothing that is part of an official uniform or while on duty from serving as an absentee ballot courier appointed under IC 3-11.5-4-22.**

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 523, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, delete ".".

Page 1, line 14, reset in roman "or".

Page 1, line 14, after "or" insert "**precinct judges.**".

Page 2, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 3. IC 3-11.5-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) **Except as provided in subsection (b),** each county election board shall appoint:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

**(b) Notwithstanding subsection (a), a county election board may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county.**

**(c)** A person is not eligible to serve on an absentee voter board or as an absentee ballot counter or a courier if the person:

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, or first cousin of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision does not disqualify a person who is a spouse of a first cousin of the candidate."

Delete page 3.

Page 4, delete lines 1 through 34.

Page 5, delete lines 19 through 20.

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 523 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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